

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.: 04-11520RWZ

NEAL A. COWE, )  
Plaintiff )  
 )  
v. )  
 )  
LYNCH, BREWER, HOFFMAN AND )  
SANDS, Allis LYNCH, BREWER, )  
HOFFMAN & FINK, COMMONWEALTH )  
OF MASSACHUSETTS ADMINISTRATIVE )  
CHIEF JUSTICE OF THE SUPERIOR COURT )  
SUSAN DELVECCHIO, COMMONWEALTH )  
of MASSACHUSETTS OFFICIAL COURT )  
REPORTER LILA MOREAU, SLOANE AND )  
WALSH AND MITCHELL & DESIMONE, )  
Defendants )

**LOCAL RULE 7.1(A)(2) CERTIFICATION**

Counsel for defendants Sloane and Walsh and John Ryan hereby certify that the requirements of Local Rule 7.1(A)(2) have been satisfied with respect to their motion to dismiss, and more specifically certify as follows:

1. The plaintiff did not put a telephone number where he could be contacted in the summons or complaint which were served upon defendant Sloane and Walsh;
2. On Friday, November 19, 2004, counsel for the defendants sent by overnight mail a copy of the motion papers to the plaintiff's address with a request that the plaintiff contact defense counsel at his office telephone number by 5:00 p.m. Eastern Standard Time on Tuesday, November 23, 2004 (see correspondence attached);
3. Counsel for the defendants received no call from the plaintiff to discuss the motion by 5:00 p.m. November 23, 2004 or to date; and

4. Whereupon defense counsel is accordingly filing herewith the originals of the motion to dismiss and supporting memorandum to the Court.

By their attorneys,

*M. McDonough*  
Myles W. McDonough, BBO #547211  
SLOANE AND WALSH, LLP  
Three Center Plaza  
Boston, MA 02108  
(617) 523-6010

Dated: 12/02/04

CERTIFICATE OF SERVICE

I, Myles W. McDonough, certify that on the date shown below, I made service of the foregoing document, by causing a copy thereof to be sent by U.S. mail, postage prepaid, to all parties of record.

Neal A. Cowe  
1393 Briar Ridge Court  
Jonesboro, GA 30238

Alan R. Hoffman, Esq.  
LYNCH, BREWER, HOFFMAN  
& FINK, LLP  
101 Federal Street, 22<sup>nd</sup> Floor  
Boston, MA 02110

Bruce T. MacDonald, Esq.  
678 Massachusetts Avenue, Suite 901  
Boston, MA 02139

Paul E. Mitchell, Esq.  
MITCHELL & DESIMONE  
99 Summer Street  
Boston, MA 02110

Sarah M. Joss, Asst. AG  
Office of the Attorney General  
Trial Division  
COMMONWEALTH OF  
MASSACHUSETTS  
One Ashburton Place  
Boston, MA 02108-1598

Dated: 12/02/04

*M. McDonough*  
Myles W. McDonough

SLOANE AND WALSH

A PROFESSIONAL LIMITED LIABILITY PARTNERSHIP

WILLIAM J. DAILEY, JR.  
JOHN P. RYAN  
ROBERT H. GAYNOR  
EDWARD T. HINCHY  
LAWRENCE J. KENNEY, JR.  
ANTHONY J. ANTONELLIS  
WILLIAM J. DAILEY, III  
CURTIS R. DIEDRICH  
MARCIA K. DIVOLL  
JAMES P. DONOHUE, JR.  
ROSS A. KIMBALL  
MYLES W. McDONOUGH

ATTORNEYS AT LAW

THREE CENTER PLAZA

BOSTON, MASSACHUSETTS 02108

TELEPHONE: (617) 523-6010  
FAX: (617) 227-0927  
FAX: (617) 523-2181

WRITER'S DIRECT E-MAIL ADDRESS: MMCDONOUGH@SLOANEWALSH.COM

JOHN A. DONOVAN III  
JOHN P. FAGGIANO  
LAURA MEYER GREGORY  
MICHAEL P. GUAGENTY  
DAVID M. HARTIGAN  
KELLY A. JUMPER  
MICHAEL J. KERRIGAN  
GREGG M. LYSKO  
JOHN McCORMACK  
STACEY E. MORRIS  
HEIDI M. OH  
HARRY A. PIERCE  
JAMES J. SCANLON  
BRIAN H. SULLIVAN

November 19, 2004

*VIA FEDERAL EXPRESS, CERTIFIED MAIL, RETURN RECEIPT REQUESTED  
AND U.S. MAIL - POSTAGE PREPAID*

Neal A. Cowe  
1393 Briar Ridge Court  
Jonesboro, GA 30238

Re: *Neal A. Cowe v. Sloane and Walsh, et al.*  
U.S.D.C. No. 04-11520RWZ  
S&W No.: PE000-9016

Dear Mr. Cowe:

Enclosed with regard to the above entitled matter please find a copy of the Defendants Sloane and Walsh's and John Ryan's Motion to File Supplemental Memorandum in Support of Motion to Dismiss and Memorandum in Support. Pursuant to Local Rule 7.1 of the United States District Court for the District of Massachusetts, would you kindly give me a call at the above listed number by 5:00 p.m. on Tuesday, November 23, 2004, to confer as to whether any of the issues set forth in the enclosed motion and memorandum can be resolved or narrowed prior to the Court's decision on the motion, and also to provide me with your current telephone number. I expect to forward the motion and memorandum to the Court on Monday, November 29, 2004.

Thank you for your attention to these matters.

Very truly yours,

*Myles W. McDonough*  
Myles W. McDonough

MWM/scc  
enclosures